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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KELLY PATTERSON, individually,

Case No.: 2:23-cv-0539-RFB-DJA

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of the
State of Nevada, and DOE Officers I-XX,

Defendants.

**~~PROPOSED~~ JOINT DISCOVERY
PLAN AND SCHEDULING ORDER**

Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and Scheduling Order. Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

1. **Meeting**: Pursuant to FRCP Rule 26(f), a meeting was held on June 1, 2023, and was attended telephonically by Stephen P. Stubbs, Esq. for Plaintiff Kelly Patterson, Jackie V. Nichols, Esq. of Marquis Aurbach for Defendants Las Vegas Metropolitan Police Department and Joe Lombardo, and Rebecca Wolfson, Esq., Deputy City Attorney for City of Las Vegas, for Defendant City of Las Vegas.

2. **Pre-Discovery Disclosures**: Pursuant to FRCP Rule 26(a)(1), the parties will make their pre-discovery disclosures, including but not limited to any Computation(s) of Damages required pursuant to FRCP 26(a)(i)(A)(iii), on or before June 15, 2023.

1 3. **Areas of Discovery:** The parties agree that the areas of discovery should include,
2 but not be limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil
3 Procedure.

4 4. **Discovery Plan:** The parties propose the following discovery plan:

5 A. **Discovery Cut-off Date(s):** Discovery will cutoff one hundred eighty
6 (180) days from the date of filing of the answer, May 4, 2023, such that discovery closes on
7 October 31, 2023.

8 B. **Amending the Pleadings and Adding Parties:**

9 The parties shall have until August 2, 2023, to file any motions to amend the pleadings to
10 add parties. This is 90 days before the discovery cut-off date.

11 C. **FRCP 26(a)(2) Disclosure of Experts:**

12 Disclosure of experts shall proceed according to FRCP Rule 26(a)(2) and LR 26-1(e)(3)
13 as follows: the disclosure of experts and their reports shall occur on or before September 1, 2023.
14 The disclosure of rebuttal experts and their reports shall occur on or before October 2, 2023. The
15 initial expert disclosure deadline is 60 days before the discovery cut-off date and the rebuttal
16 expert disclosure deadline is 30 days after the initial expert disclosure deadline.

17 D. **Interim Status Report:**

18 ~~The parties shall file the interim status report by September 1, 2023, 60 days before the~~
19 ~~discovery cut off date, as required by LR 26-3.~~

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1 E. **Dispositive Motions:**

2 The parties shall have until November 30, 2023, to file dispositive motions. This is 30
3 days after the discovery cut-off date, as required by LR 26-1(e)(4).

4 F. **Pre-Trial Order:**

5 The parties will prepare a Consolidated Pre-Trial Order on or before January 2, 2024,
6 which is not more than 30 days after the date set for filing dispositive motions in the case, as
7 required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are timely filed
8 until 30 days after the decision of the dispositive motions or until further order of the Court. The
9 disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be included in the pre-
10 trial order.
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12 G. **Court Conferences:** If the Court has questions regarding the dates
13 proposed by the parties, the parties request a conference with the Court before entry of the
14 Scheduling Order. If the Court does not have questions, the parties do not request a conference
15 with the Court.
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17 H. **Extensions or Modifications of the Discovery Plan and Scheduling**
18 **Order:** LR ²⁶⁻³~~26-4~~ governs modifications or extensions of this Discovery Plan and Scheduling
19 Order. Any stipulation or motion to extend a deadline set forth in the discovery plan and
20 scheduling order must be made not later than 21 days before the subject deadline. Any stipulation
21 or motion to extend the discovery cut-off period must be made no later than October 10, 2023, 21
22 days before the discovery cut-off date.
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24 I. **Format of Discovery:** Pursuant to the electronic discovery amendments
25 to the Federal Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-
26 discovery issues pertaining to the format of discovery at the Rule 26(f) conference. The parties
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1 do not anticipate discovery of native files or metadata at this time, but each party reserves the
2 right to make a showing for the need of such electronic data as discovery progresses.

3 J. **Alternative Dispute Resolution:** The parties certify that they have met
4 and conferred about the possibility of using alternative dispute-resolution processes including
5 mediation, arbitration, and if applicable, early neutral evaluation.

6 K. **Alternative Forms of Case Disposition:** The parties certify that they
7 considered consent to trial by a magistrate judge under 28 U.S.C. section 636(c) and Fed. R. Civ.
8 P. 73 and the use of the Short Trial Program (General Order 2013-01), however, the parties have
9 decided against such use and require a traditional jury trial.

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L. **Electronic Evidence:** The parties certify that they discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties have not reached any stipulations in this regard at this time.

DATED this 2nd day of June 2023.

MARQUIS AURBACH

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IT IS SO ORDERED that the parties' Joint Discovery Plan and Scheduling Order is **granted in part** and **denied in part**. The plan includes an interim status report deadline and cites to LR 26-3. The Local Rules as amended on 4/17/2020 eliminated former Local Rule 26-3's requirement for Interim Status Reports. The Court will not approve an interim status report deadline as no such deadline exists under the amended Local Rules.



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

DATED: June 6, 2023